

EXHIBIT 1

1

Amendment “Save America Rally” at the Ellipse in the President’s Park outside the White House (“Ellipse”), on January 6, 2021, in Washington D.C. (“Rally”).¹

2. The Permit further authorized participants at the Rally to leave the Ellipse and attend other rallies at the United States Capitol (“Capitol”) to hear the results of the Congressional Certification of the Electoral College Count being conducted at the Capitol on January 6, 2021 (“Certification Count”).

3. The Rally was organized by *Women for America First* to celebrate the First Amendment rights of American citizens and to demand transparency in government and protect election integrity, in protest of the presidential election held on November 3, 2020, that had just concluded (the “Election”).

4. Numerous allegations of voter fraud in various states across the country were raised in several public forums including on Facebook, as well as in lawsuits filed in courts across the country challenging the results of the Election.

5. The Rally featured a diverse group of speakers and politicians from across the country including then-President Donald J. Trump (“President Trump”).

6. The day after the Election and in order to promote the Rally, *Women for America First* started the “Stop the Steal” Facebook group that went viral. The group grew organically to over 365,000 people in just 22 hours. See <https://wfaf.org/>.

7. *Women for America First* realized a movement was building of Americans across the country concerned about their voices being heard and the

¹ The Permit was amended several times and included the approved date range from January 2, 2021 through January 8, 2021.

foundation of our country as well as election integrity. *Id.* As a result of *Women for America First* promoting the Rally on Facebook, thousands of people across the country traveled to the Ellipse in D.C. on January 6, 2021, to have their voices heard and to peacefully and lawfully protest the Election and Certification Count. *Id.*

8. At some point during the afternoon as set forth herein, a small percentage of protestors at the Rally and Certification Count breached the premises of the Capitol resulting in hundreds of arrests and eventual criminal prosecutions.

Facebook's "Dark Money" Contribution to the Rally

9. The Rule of Law Defense Fund ("RLDF"), an IRS 501 (c)(4) arm of the Republican Attorneys General Association ("RAGA"), and other corporations, helped to organize and stage the Rally at the Ellipse with financial contributions referred to as "dark money." See <https://documented.net/2021/01/republican-attorneys-general-dark-money-group-organized-protest-preceding-capitol-mob-attack/>.

10. Several corporations and social media platforms contributed to RAGA in 2020 with financial donations and contributions that assisted *Women for America First* and RLDF with promoting and staging the Rally, including Facebook's \$50,000 contribution and donation to RAGA that upon information and belief contributed to the staging and presentation of the Rally on January 6, 2021. *Id.*

11. In addition to its \$50,000 "dark money" Facebook contributed to RAGA that helped to stage and present the Rally, a number of protestors used Facebook "groups" and "communities" to organize, communicate, and promote their plans for

the Rally and to organize and coordinate their travel schedules from across the country to D.C. for the Rally and Certification Count.

Genevieve - @genmahoney19

12. Genevieve is a 19-year-old female college freshman residing in Nashville, Davidson County, Tennessee, and she attends Furman University located in Greenville, South Carolina.

13. Genevieve was a frequent user of Instagram, Inc. ("Instagram"), where she interacted, posted and curated photographs to her Instagram account on a regular basis. Facebook is the parent company of Instagram.

14. In reliance upon Facebook and Instagram's policies and recommendations that participants engage in "groups" or "communities" to fully appreciate Facebook and Instagram's social media platform, Genevieve was a regular interactive member of the Instagram group, @fur.meme.

15. The Instagram group @fur.meme was a well-followed group and community comprised of Furman students, Furman faculty and school officials, and Furman alumni. Upon information and belief, @fur.meme was a Furman Instagram account operated by an anonymous currently-enrolled Furman student.

16. Genevieve serves as a Board Member for the Furman Conservative Society, a group that focuses on discussing and advancing the conservative viewpoints and values upon which this nation was founded.

17. Having reached the minimum-required age to lawfully vote, Genevieve had just voted for the first time in the Election as a Tennessee resident. Genevieve voted in the Election by absentee ballot via U.S. mail.

18. The 2020 Election was a milestone event in the country's history particularly for Tennessee women like Genevieve, because it had been 100 years since the passage of the 19th Amendment to the Constitution, which granted women the right to vote in 1920, and Tennessee had been the pivotal and necessary 36th state to approve ratification of the 19th Amendment to the Constitution.

19. Pro-suffrage and anti-suffrage activists from around the state and the country descended on Nashville in the summer of 1920, intent on influencing the Tennessee General Assembly.

20. On August 24, 1920, Governor Albert H. Roberts certified Tennessee's ratification of the 19th Amendment. Then, U. S. Secretary of State Bainbridge Colby issued a proclamation that officially declared the ratification of the 19th Amendment and made it part of the United States Constitution, cementing the right of women to vote and securing Genevieve's right to vote 100 years later in the Election.

21. In the leadup to the 2020 Election, Facebook had launched the largest voting information center in United States' history in an effort to register 4 million people to vote and according to Facebook, to "make their voices heard" and to "hold our leaders accountable." See <https://about.fb.com/news/2020/06/voting-information-center/>.

22. This unprecedented private voter registration drive by Facebook helped to register many Tennessee voters to vote in the 2020 Election, including those Tennessee voters like Genevieve voting absentee ballot via U.S. mail in Davidson County, Tennessee.

23. Facebook co-founder and CEO, Mark Zuckerberg (“Zuckerberg”), and his wife, also donated over \$300 million to two organizations including the Center for Tech and Civic Life (“CTCL”), to “fix elections” including the Election of 2020. *See* <https://www.msn.com/en-us/news/technology/mark-zuckerbergs-dollar300-million-donation-to-fix-elections-must-overcome-facebooks-past/ar-BB18BjpC>.

24. Zuckerberg’s CTCL contributed money to Davidson County, Tennessee election officials to oversee and assist with the Election of 2020. *See* <https://docs.google.com/spreadsheets/d/1pE0OTeAbLMBSW7vFg0KB5byV4ygtY-sLAU2w1HnnCjA/edit#gid=287048536>.

25. Further, the Davidson County Election Commission heavily promoted Tennessee voter registration and participation on its Facebook page in the leadup to the Election of 2020. *See* <https://www.facebook.com/davidsoncountyelections>.

26. After the Election, Genevieve was home from college in Nashville over the Christmas break, and she made the decision to travel to D.C. to attend the Rally and Certification Count in order to exercise her First Amendment rights and to “save our democracy.” Genevieve attended the Rally and Certification Count with various family members.

27. Based on reported information and numerous formal and informal challenges being raised across the county regarding the results of the Election, Genevieve believed that there were voting irregularities in the Election.

28. She also felt it was her duty to peacefully and lawfully exercise her First Amendment advocacy rights as an American citizen, in protest of the Election and Certification Count, that didn't represent her voice and the voices of many other Americans.

Genevieve's Instagram Post of Photo of "Our Capitol"

29. On January 6, 2021, at approximately 2:00 pm Eastern while peacefully walking with various family members from the Rally at the Ellipse to the Capitol as the Permit authorized, Genevieve lawfully exercised her First Amendment right to free speech by posting to her Instagram account a photograph she took of the Capitol in the distance, with the caption "Our Capitol," see actual photograph below.



"Our Capitol"

30. To Genevieve, her post on Instagram of the phrase “Our Capitol” along with her posted photograph of the Capitol in the distance beyond the temporary spectator scaffolding, are symbolic and representative of the statement, “We the People,” that is embodied in the Preamble to the Constitution.

31. Genevieve’s post on Instagram of the photograph of the Capitol was lawful and protected by the First Amendment and not representative of Genevieve engaging in criminal activity nor was it representative of her inciting, encouraging, or promoting criminal activity at the Capitol in violation of a state or federal criminal statute.

32. Further, Genevieve’s “Our Capitol” Instagram posted phrase was lawful and not representative of her engaging in criminal activity nor was it representative of her inciting, encouraging, or promoting criminal activity at the Capitol in violation of a state or federal criminal statute.

33. That afternoon at the Capitol on January 6, 2021, Genevieve did not go onto the premises of the Capitol nor did she enter the Capitol building itself, and she remained positioned well behind the temporary spectator scaffolding as depicted by her vantage point in her “Our Capitol” photograph posted to her Instagram account.

34. Genevieve has never been charged by state or federal law enforcement with violating a state or federal criminal statute for engaging in criminal activity or inciting, encouraging, or promoting criminal activity arising out of her “Our Capitol” photograph she posted to Instagram on January 6, 2021.

35. A few hours after posting her “Our Capitol” photograph to Instagram, the executive leadership of Facebook published to the public including Instagram groups and communities such as the @fur.meme group, a written emergency statement from its Newsroom declaring that those protestors posting photographs at the Capitol were “inciting, encouraging, and promoting criminal activity.”

NATURE OF THE ACTION

36. Genevieve files this action against Facebook for its false, defamatory, and untrue factual statements about protestors inciting, encouraging, and promoting criminal activity by posting photographs to Facebook or Instagram, published from the Facebook Newsroom by its leadership to the public including Instagram groups such as @fur.meme. In addition to filing this lawsuit to vindicate Genevieve’s rights, the lawsuit is protected speech under the First Amendment.

37. Genevieve was part of a very small group or class of two (2) Furman students on the @fur.meme Instagram group, who attended the Rally and posted photographs to their Instagram accounts.

38. Because this group or class of two Furman students on the @fur.meme Instagram group is so small, the defamatory statements about protestors at the Capitol inciting, encouraging, and promoting criminal activity by posting photographs to Facebook or Instagram, are reasonably understood to refer to Genevieve, @genmahoney19.

39. Indeed, other members of the @fur.meme Instagram group recognized that the leadership of Facebook were referring to Genevieve, @genmahoney19

specifically based on various posts published to @fur.meme in response to the published defamatory statements by Facebook.

40. Likewise, the circumstances make it reasonable to conclude that the defamatory statements refer particularly and specifically to Genevieve, @genmahoney19, because other members of the @fur.meme Instagram group recognized that the leadership of Facebook were referring to her.

41. These false and defamatory statements published by Facebook included specific statements that any photographs posted by protestors at the Capitol that day were representative of: “(1) inciting violence at the Capitol;” “(2) encouraging violence at the Capitol,” and “(3) promoting criminal activity at the Capitol.”

42. Facebook is being sued for libel and other causes of action for its own published defamatory speech concerning Genevieve, @genmahoney19, not the speech of third parties, and therefore, Facebook is not immune from liability for its own published defamatory speech.

PARTIES

43. Genevieve is an individual and American citizen who resides in Nashville, Davidson County, Tennessee. At all relevant times, Genevieve’s Instagram handle was @genmahoney19.

44. At all relevant times, Facebook was a Delaware corporation with its principal place of business located at 1601 Willow Road, Menlo Park, California 94025. Facebook is a global social media platform and earned approximately \$86 billion dollars in 2020 through digital advertising. Facebook transacts business in

Tennessee and registered voters on-line in Tennessee so that they could vote in Tennessee in the 2020 Election. These Tennessee voters and subsequent votes in the Election were being tabulated and counted during the Certification Count at the Capitol on January 6, 2021 when Genevieve posted her “Our Capitol” photograph.

45. Facebook owns Instagram, and on December 9, 2020, a few days after the Election, several states including Tennessee led by its Attorney General and Reporter Herbert H. Slattery, III, sued Facebook for various anticompetitive and antitrust behavior including Facebook’s acquisition of Instagram. See complaint, United States District Court for the District of Columbia, Case No. 20-3589. https://ag.ny.gov/sites/default/files/state_of_new_york_et_al._v._facebook_inc._-filed_public_complaint_12.11.2020.pdf.

JURISDICTION & VENUE

46. This court has jurisdiction over the causes of action contained herein pursuant to Tenn. Code Ann. §16-10-101.

47. This court has personal jurisdiction over the parties, as Genevieve is a citizen and resident of Davidson County, Tennessee at all relevant times.

48. This court has personal jurisdiction over Facebook, as it transacts business in Tennessee; registered voters in Tennessee to vote in the Election; provided its social media platform for people across the country including Tennessee residents to plan, organize, and coordinate their trip to D.C. for the Rally and Certification Count; promoted the Rally by *Women for America First* on its platform that was attended by Tennessee residents; engaged in

anticompetitive and antitrust behavior that harmed Tennessee residents regarding Facebook's acquisition of Instagram as alleged in the lawsuit referenced above, for which the Tennessee Attorney General and other state attorneys general have filed a civil lawsuit; and defamed Genevieve's reputation by publishing false and defamatory statements about her.

49. Venue is proper in this court pursuant to Tenn. Code Ann. §20-4-101, because the causes of action contained herein arose within Davidson County, Tennessee, or the defamatory statements were broadcast, published, and/or disseminated to Tennessee residents in Davidson County, Tennessee.

FACTS

Breach of the Capitol

50. Some protestors other than Genevieve did allegedly commit crimes by breaching the Capitol and engaging in criminal activity on January 6, 2021. The U.S. Attorney's Office for the District of Columbia is prosecuting those cases of protestors charged with engaging in criminal activity including inciting, encouraging, or promoting criminal activity arising out of the Capitol Breach, and a list of those cases may be found at <https://www.justice.gov/usao-dc/capitol-breach-cases>.

51. As verified by the charges and prosecutions of other protestors, Genevieve is not one of the protestors charged with the Capitol Breach or for engaging in criminal activity or inciting, encouraging, or promoting criminal activity by her "Our Capitol" Instagram post. *See id.*

52. As set forth in the United States Criminal Code:

As used in this chapter, the term “to incite a riot”, or “to organize, promote, encourage, participate in, or carry on a riot”, includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

18 U.S.C. §2102(b).

53. Genevieve never in her wildest dreams imagined how something so uniquely American as free speech and the right to peacefully and lawfully assemble in accordance with the First Amendment would turn into an event marred by violence and unlawful behavior by some protestors in breaching the Capitol.

54. Genevieve attended the Rally and Certification Count because she felt it was her civic obligation to demonstrate to members of Congress that there were many Americans who felt misrepresented.

55. Genevieve further felt her lawful presence and advocacy at the Rally and Capitol to peacefully protest the Election was important as representative of the great number of citizens who felt wronged and overlooked by the reported voting irregularities of the Election.

56. Genevieve was incredibly saddened by the violent and unlawful events that took place that day. Those people that engaged in actual criminal activity or the incitement, encouragement, or promotion of criminal activity had nothing to do with her cause or the reason she was lawfully and peacefully assembling at the Rally and later at the Capitol in protest of the Election.

57. Genevieve loves her country and everything it stands for, and she wanted to remind Congressional representatives by her lawful and peaceful presence at the Rally and Capitol to keep their promise and covenant to represent the people faithfully, because those members of Congress received their powers from the American citizens in accordance with the Constitution.

58. Genevieve supports the founding principles and ideals of this country embodied and enshrined in the Constitution, namely that our elected representatives derive their legitimacy from the people, as opposed to the unconstitutional idea that members of Congress benevolently bestow rights and privileges upon the people.

***Facebook's Defamatory Emergency News Statement
in Response to Genevieve's "Our Capitol" Post***

59. A few hours after Genevieve's lawful "Our Capitol" post on Instagram at 2:00 pm Eastern that was protected by the First Amendment, at approximately 7:00 pm Eastern on January 6, 2021, authorized representatives and leadership of Instagram's parent company Facebook, Guy Rosen ("Rosen"), Vice President of Integrity, and Monika Bickert ("Bickert"), Vice President of Global Policy Management, published from Facebook's Newsroom an emergency written news statement on behalf of Facebook.

60. This written emergency news statement was entitled "Our Response To The Violence in Washington" (the "Emergency News Statement") and was published by Facebook's Newsroom to the public and groups and communities including the @fur.meme Instagram group. See <https://about.fb.com/news/2021/01/responding-to-the-violence-in-washington-dc/> (last visited on June 2, 2021).

61. The Emergency News Statement stated in relevant part as follows:

Let us speak for the leadership team in saying what so many of us are feeling. We are appalled by the violence at the Capitol today. We are treating these events as an emergency. Our Elections Operations Center has already been active in anticipation of the Georgia elections and the vote by Congress to certify the election, and we are monitoring activity on our platform in real time. For those of you who are wondering, here are the actions we're taking:

First, we have been searching for and removing the following content:

- Praise and support of the storming of the Capitol.
- Calls to bring weapons to locations across the US — not just in Washington but anywhere in the US — including protests.
- ***Incitement or encouragement of the events at the Capitol, including videos and photos from the protestors. At this point they represent promotion of criminal activity*** which violates our policies.
- Calls for protests — even peaceful ones — if they violate the curfew in DC.
- Attempts to restage violence tomorrow or in the coming days.

See <https://about.fb.com/news/2021/01/responding-to-the-violence-in-washington-dc/>

(emphasis added).

62. The Emergency News Statement further stated in relevant part as follows:

We've had emergency measures in place since before the US elections like not recommending civic groups for people to join. We're keeping them in place. Today we're implementing several additional ones as well, including:

- Increasing the requirement of Group admins to review and approve posts before they can go up.
- Automatically disabling comments on posts in Groups that start to have a high rate of hate speech or content that incites violence, and
- Using AI to demote content that likely violates our policies.

We're continuing to monitor the situation and will take additional measures if necessary to keep people safe.

Id. Shortly after the Emergency News Statement was published, the Furman Conservative Society asked Genevieve to delete her "Our Capitol" photograph, because it feared for Genevieve's safety and well-being as well as the club's image. However, Genevieve's Instagram account was disabled and deleted just a few days later on January 12. This is usually the result of people in groups and communities reporting Genevieve's account to Instagram and Facebook.

***Facebook's Defamatory Emergency News Statement
was of and concerning Genevieve***

A. *Genevieve's Instagram Group and Community - @fur.meme*

63. Genevieve's professors at Furman had encouraged Genevieve to network with Furman alumni in order to establish and strengthen her connection with the Furman family, including joining Furman-related social media sites and platforms such as Instagram.

64. These professors advised Genevieve this networking with Furman alumni would be very beneficial to her future employment prospects and increased economic status when she sought future employment after graduating from Furman.

65. Indeed, Furman's alumni association website touts the significance and importance of the global Furman family and alumni, and the website states as follows:

No matter where you are in life, you'll always be a part of the Furman family. Strengthen your connection to our passionate community and discover how our alumni and friends support one another. Network with leaders in your field. Connect with your classmates at homecoming. And volunteer for causes that support the next generation of Paladins. By being an active part of the Furman family, you're not simply giving—you're reconnecting with your biggest supporters.

See <https://www.furman.edu/alumni/connect/alumni-association/> (last visited June 2, 2021).

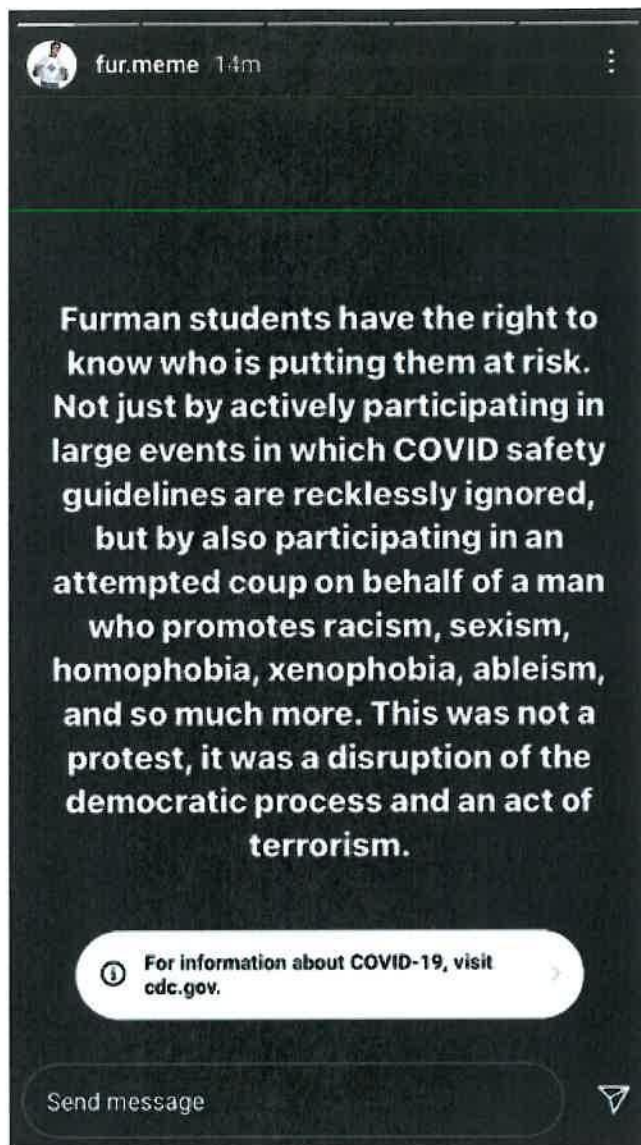
66. Furman University is a private institution that boasts 33,000 alumni and friends through its alumni association. See <https://www.furman.edu/career-services/career-services/alumni/> (last visited June 2, 2021).

67. A few hours after Genevieve's "Our Capitol" photograph and post on Instagram, followed by Facebook's published Emergency News Statement, @fur.meme posted a series of posts recognizing the Emergency News Statement was referring to Genevieve and her "Our Capitol" photograph allegedly "inciting, encouraging, or promoting criminal activity at the Capitol."

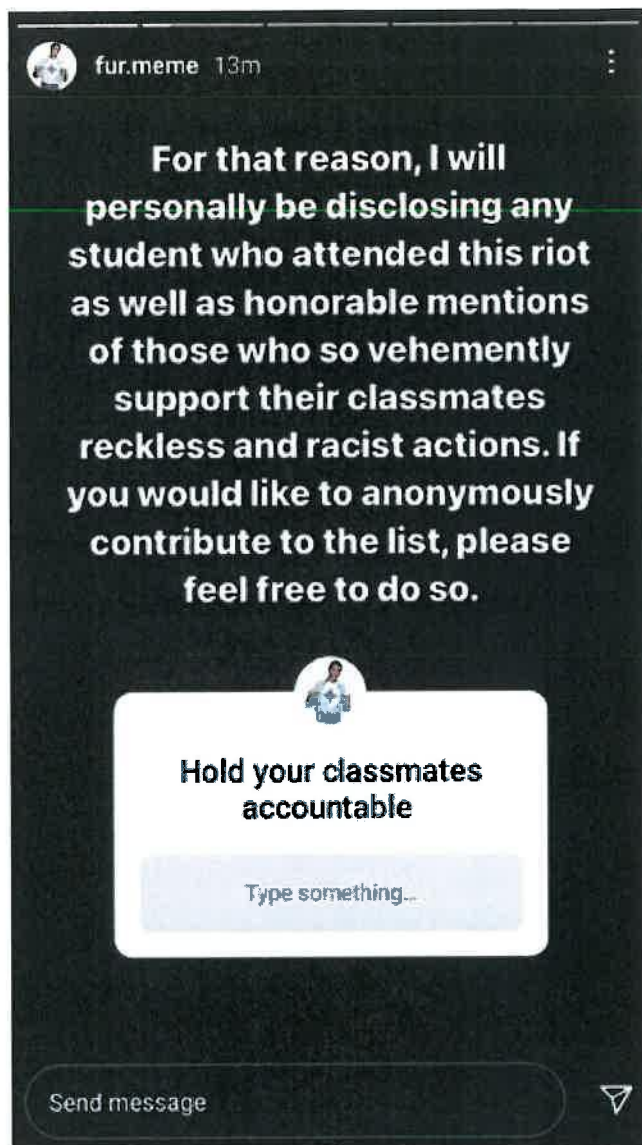
B. *@fur.meme recognized the Emergency News Statement referred to Genevieve*

68. @fur.meme made the following series of posts on Instagram evidencing the Emergency News Statement referred to Genevieve, and it has severely damaged Genevieve's reputation within the Furman community:



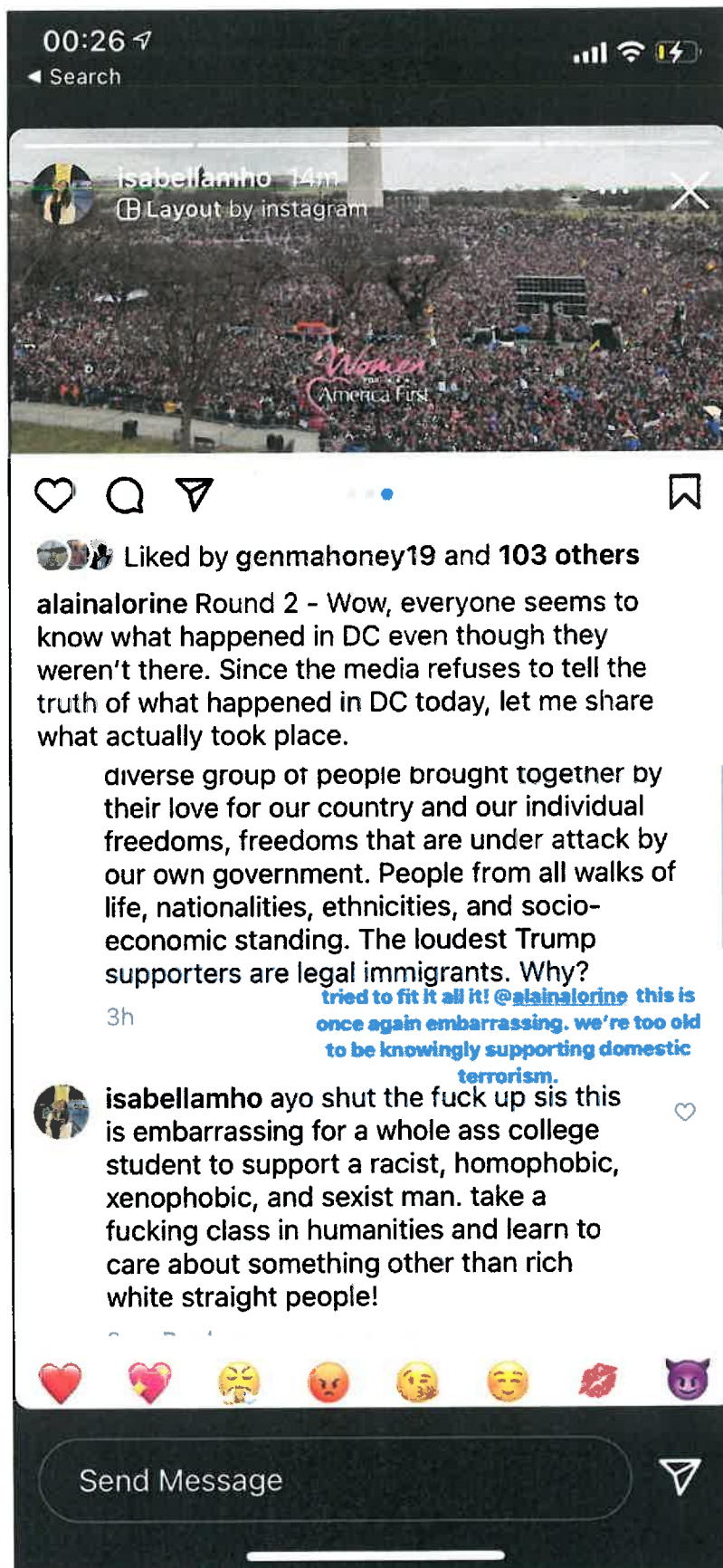


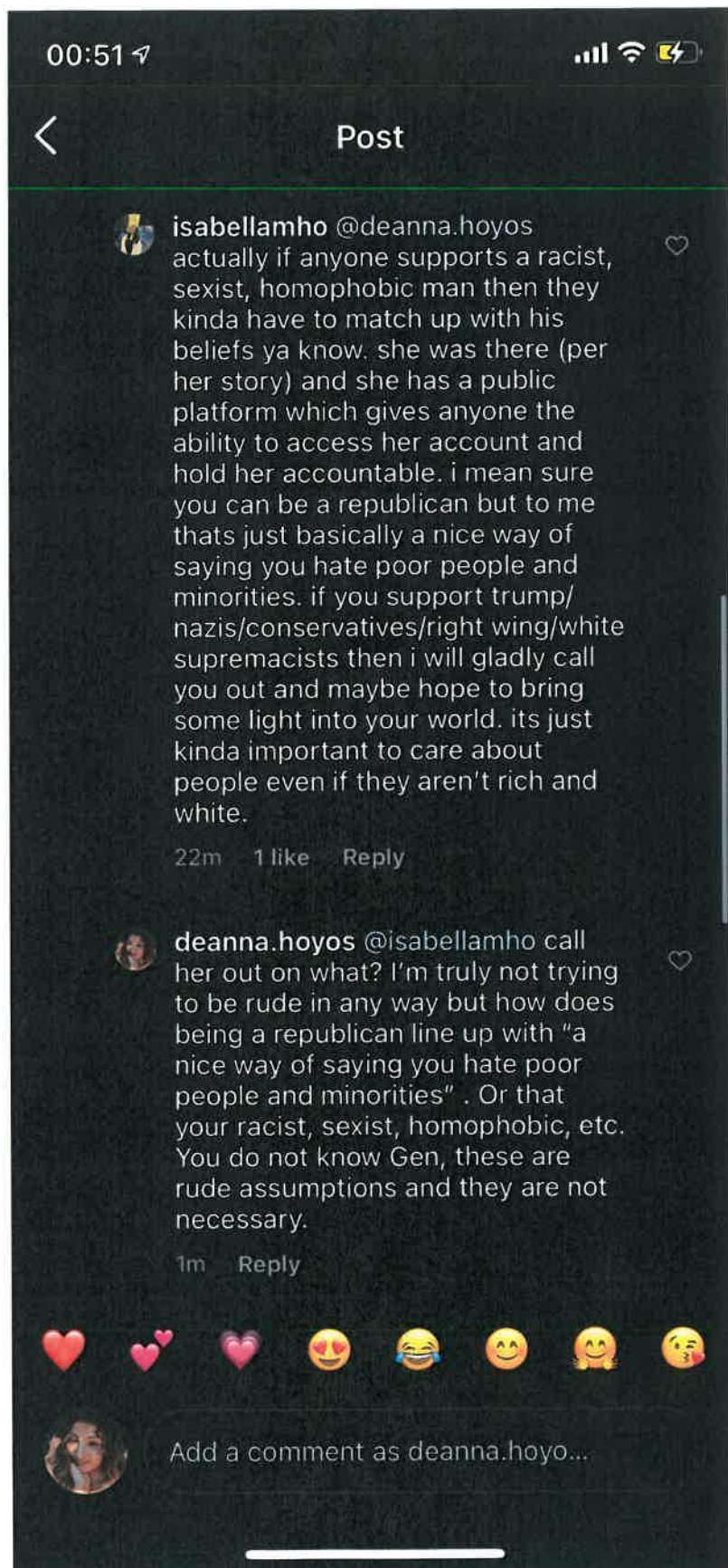


















69. Shortly after Genevieve returned to campus at Furman after the Rally, a school newspaper chronicled the fallout from the @fur.meme account that recognized Genevieve and another Furman student attended the Rally and posted to their social media accounts, including such posts as Genevieve's "Our Capitol" photograph. The article described the intense political atmosphere on campus with Furman's President and faculty members and officials weighing in on the Rally and @fur.meme. See <https://www.thepaladin.news/articles/administrations-responds-to-political-polarization-on-campus-following-jan-6-protest>.

70. As a result of the Emergency News Statement, Genevieve's reputation has been severely damaged within the Furman community including her reputation with fellow Furman students, Furman faculty members and school officials, and Furman alumni. Genevieve has suffered economic damages as to her future economic status and reputational harm damages in being falsely linked to those that actually committed crimes on January 6, 2021, a date that President Biden in his address to Congress called "the worst attack on our democracy since the Civil War."

***Facebook tried to downplay its role in the
Breach of the Capitol***

71. A few days after the Breach of the Capitol, Facebook attempted to downplay its role in facilitating the Breach of the Capitol and the coordination of some of those charged with crimes through the use of Facebook's social media platform. See <https://www.forbes.com/sites/thomasbrewster/2021/02/07/sheryl-sandberg-downplayed-facebooks-role-in-the-capitol-hill-siege-justice-department-files-tell-a-very-different-story/?sh=c9a436c10b32>.

72. Indeed, Sheryl Sandberg (“Sandberg”), Facebook chief operating officer, tried to publicly deflect criticism away from Facebook and Instagram and onto other social media sites and platforms for the root cause of the Breach of the Capitol. *Id.*

73. However, several reports indicated that the Capitol Breach was openly pre-planned on various social media sites including Facebook in the days leading up to January 6, 2021, and that new Facebook “groups” and “communities” had surfaced just before the Capitol Breach to assist in organizing and carrying out the Breach of the Capitol. See <https://www.foxnews.com/politics/how-wednesdays-capitol-riot-come-to-fruitition>.

74. Five days after the Rally on or about January 11, 2021, Facebook issued a public statement through its spokesperson Andy Stone (“Stone”) that it was pausing all of its PAC financial contributions and political donations, which would include its donation that partially financed the Rally, while Facebook reviewed its policies. See <https://www.msn.com/en-us/news/politics/facebook-pausing-political-donations-in-wake-of-capitol-rampage/ar-BB1cEUbT>.

75. Based on an internal report, Facebook knew that it contributed to the Capitol Breach and facilitated the actions of individuals in carrying out the crimes for which they were charged, and that Facebook’s platform assisted those in coordinating and carrying out their criminal activities related to the Breach of the Capitol. See <https://www.buzzfeednews.com/article/craigsilverman/facebook-failed-stop-the-steal-insurrection>.

Facebook knew the Emergency News Statement was false

76. The specific language Facebook leadership used in the publication of the Emergency News Statement was calculated to severely damage the reputation of the protestors, including the reputations of those lawful protestors such as Genevieve.

77. The precise and artful use of the words “inciting, encouraging, or promoting criminal activity” and “violence” as used by Bickert and Rosen in the Emergency News Statement were verbatim from 18 U.S.C. §§2101-2102. They were deliberately calculated to label all protestors as criminals even though the vast majority of protestors like Genevieve did not commit crimes and were never charged with a crime.

78. Bickert, one of the authors of the Emergency News Statement on behalf of Facebook, is a Harvard-trained lawyer and former federal prosecutor, and she is well versed in the specific and artful language used in federal criminal statutes. See <https://www.vanityfair.com/news/2019/02/men-are-scum-inside-facebook-war-on-hate-speech>.

79. Bickert knew that by using the words “inciting, encouraging, or promoting criminal activity” and “violence” she and Rosen used in the Emergency News Statement on behalf of Facebook, all of the protesters would be labeled as criminals even those such as Genevieve who did not incite, encourage, or promote criminal activity or violence by her “Our Capitol” post.

80. With her legal background and acumen, Bickert further knew that when she and Rosen published the Emergency News Statement on behalf of Facebook, all

of the protesters posting photographs including Genevieve's "Our Capitol post, were not inciting, encouraging, or promoting criminal activity or violence.

81. As indicated in a recent article describing the innerworkings of Facebook, "when it comes to figuring out how Facebook actually works—how it decides what content is allowed, and what isn't—the most important person in the company isn't Mark Zuckerberg, it's Monika Bickert." *Id.*

82. Bickert is unapologetic about Facebook maintaining its prominence in the world as an \$86 billion global social media platform. As she indicated in response to a reporter's citation of Facebook's stated mission to make the world a "more open and connected place," Bickert literally rolled her eyes. "It's a company. It's a business," Bickert said. *Id.*

83. Facebook executives and leadership were also in communication with federal law enforcement during the Breach of the Capitol and knew that not all of the protesters like Genevieve were inciting, encouraging, or promoting criminal activity or violence.

COUNT I-DEFAMATION (LIBEL)
(Facebook)

84. The allegations of the preceding paragraphs (1-83) are incorporated herein by reference as if fully restated.

85. Facebook disseminated and published the Emergency News Statement from its Newsroom about Genevieve and her "Our Capitol" post and others posting photographs, which were false, untrue, and misleading to the public and Genevieve's Instagram group @furm.meme.

86. Facebook knew the Emergency News Statement was false and defamatory as to those that lawfully posted photographs including Genevieve's "Our Capitol" photograph. The Emergency News Statement contained false factual statements and the words and context used were not opinion or hyperbole.

87. Facebook purposely published the Emergency News Statement to deflect criminal liability and criminal suspicion away from Facebook and onto others such as Genevieve, who had not facilitated, incited, encouraged, or promoted criminal activity or violence.

88. Facebook has immunity under 42 U.S.C. § 230 for publications of third parties on its platform such as Genevieve's "Our Capitol" photograph, yet it purposely chose to publish the false Emergency News Statement with actual malice to harm other individuals such as Genevieve, in order to protect itself from being subject to criminal investigation and prosecution and liability as a result of Facebook's role in facilitating the Breach of the Capitol, because some protesters that committed crimes used Facebook's platform to organize and plan their criminal activity on January 6, 2021.

89. Facebook knew by its false and misleading publication of the Emergency News Statement that Genevieve's character and reputation, both personally, and professionally, among the @fur.meme Instagram group, would be severely damaged.

90. Facebook published the Emergency News Statement with actual malice, reckless disregard for the truth or falsity of the defamatory statements, and/or with negligence in failing to ascertain the truth or falsity of the defamatory statements,

by verifying with police and law enforcement whom it was in communication with, regarding the ongoing nature of the Breach of the Capitol and whether any protestors had been arrested or charged with inciting, promoting or encouraging criminal activity or violence.

91. Facebook's Emergency News Statement gave on-line subscribers such as members of @fur.meme the false impression that Genevieve had committed a crime by posting her "Our Capitol" photograph to Instagram.

92. As a result of Facebook's publication of the Emergency News Statement, Genevieve has been exposed to public scorn, hatred, contempt, humiliation, or ridicule, thereby discouraging others in the Furman community of having a good opinion of Genevieve or associating with her.

93. Facebook published the Emergency News Statement with actual malice by making a calculated and deliberate decision not to pressure-test Bickert and Rosen's release and publication of the Emergency News Statement in order to publish a biased, preconceived narrative about *all of the protestors* that supported President Trump, despite serious doubts that the posting of a photograph while at the Capitol was representative of inciting or promoting criminal activity or violence.

94. Facebook published the Emergency News Statement with actual malice by making a calculated decision to hide from public view that Facebook had facilitated crimes of some protestors charged with crimes related to the Breach of the Capitol, by allowing those individuals to use the Facebook platform to plan and organize the Breach of the Capitol.

95. Facebook published the Emergency News Statement with actual malice by repeatedly lying in an effort to bolster the credibility of their false story about the Rally and Certification Count, and it knew that some protestors such as Genevieve were lawfully protesting at the Capitol.

96. Facebook published the Emergency News Statement with actual malice because it had serious doubts that posting a photograph on Facebook or Instagram was representative of inciting or promoting criminal activity or violence, and Facebook had a high degree of awareness the claims in the Emergency News Statement on behalf of Facebook were probably false, and therefore Facebook was required to investigate the veracity of such claims before publishing them.

97. Facebook published the Emergency News Statement from its Newsroom with actual malice because it purposely avoided the truth, and purposely avoiding interviewing sources and following fundamental reporting practices intentionally in order to avoid the truth.

COUNT II-DEFAMATION (LIBEL BY IMPLICATION)
(Facebook)

98. The allegations of the preceding paragraphs (1-97) are incorporated herein by reference as if fully restated.

99. The Emergency News Statement is false and untrue and it leaves the false impression that Genevieve's post of her "Our Capitol" photograph is representative of inciting, encouraging, or promoting criminal activity or violence.

100. The Emergency News Statement is provably false as it relates to Genevieve because Genevieve has not been charged with inciting, encouraging, or promoting criminal activity by state or federal authorities related to her post on Instagram of her “Our Capitol” photograph, and 18 U.S.C. §§ 2101-2102, United States Supreme Court precedent, and state and federal law expressly authorize her lawful post of the “Our Capitol” photograph on Instagram.

COUNT III-DEFAMATION
(FALSE LIGHT INVASION OF PRIVACY)
(Facebook)

101. The allegations of the preceding paragraphs (1-100) are incorporated herein by reference as if fully restated.

102. By publishing the defamatory statements, Facebook gave publicity to an alleged or implied crime or illegal behavior by Genevieve that was false and untrue and placed her in a negative false light before the public, @fur.meme, and the Furman community and was an invasion of Genevieve’s privacy.

103. The false light in which Genevieve was placed as a result of the published defamatory statements in the Emergency News Statement on behalf of Facebook, was highly offensive to a reasonable person.

104. Facebook had knowledge of or acted in reckless disregard as to the truth or falsity of the published defamatory statements in the Emergency News Statement and the false light in which Genevieve and other lawful protestors would be placed.

105. As a result of being placed in a negative false light before the public and the Furman community, Genevieve’s privacy has been invaded and her character and

reputation have been severely damaged, and she has suffered, and will continue to suffer, economic and non-economic damages as a result.

COUNT IV-NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS
(Facebook)

106. The allegations of the preceding paragraphs (1-105) are incorporated herein by reference as if fully restated.

107. Facebook owed a duty to Genevieve to report fairly and accurately from its Newsroom of any illegal or unlawful behavior regarding protestors at the Rally and Certification Count posting photographs to Instagram.

108. Facebook breached that duty it owed to Genevieve by publishing the defamatory statements and omitting or not fairly and accurately reporting on lawful behavior by protestors including Genevieve posting her "Our Capitol" photograph on Instagram.

109. As the proximate cause of the defamatory statements being published, Genevieve has sustained serious emotional stress, melancholy, and fatigue, for which she has received treatment.

JURY DEMANDED

110. The allegations of the preceding paragraphs (1-109) are incorporated herein by reference as if fully restated.

111. Genevieve demands a trial by jury on all counts herein.

PRAYER FOR RELIEF

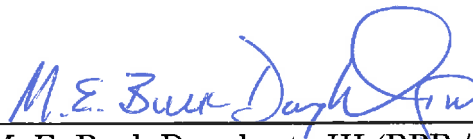
WHEREFORE, Genevieve respectfully prays for the following relief:

- A. That civil service of process issue against Facebook and that it be required to file an answer in accordance with the Tennessee Rules of Civil Procedure;
- B. That a jury of twelve persons be empaneled to try the issues on all counts as set forth herein;
- C. That she be awarded a judgment and compensatory damages against Facebook on all counts herein in an amount to be proven at a jury trial but not less than \$56,000,000.00;
- D. That she be awarded a judgment and punitive damages against Facebook on all counts herein in an amount to be proven at a jury trial but not less than \$112,000,000.00, for a total combined amount in compensatory and punitive damages of \$168,000,000.00;
- E. That Facebook be required to retract any and all publications of defamatory statements including the Emergency News Statement and negative and false depictions and statements about Genevieve and other protestors not charged with crimes on January 6, 2021; and
- F. That this Court award her any further relief to which she may be entitled.

Respectfully Submitted,

Date: July 1, 2021

**DUNCAN, HATCHER,
HOLLAND & FLEENOR, P.C.**



M. E. Buck Dougherty III (BPR #022474)
Duncan, Hatcher, Holland & Fleenor, P.C.
1418 McCallie Avenue
Chattanooga, TN 37404
423-266-2207 (Phone)
bdougherty@duncanhatcher.com

Attorneys for Plaintiff Genevieve Mahoney

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID 240410

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

MAHONEY, GENEVIEVE A/K/A @GENMAHONEY19

Plaintiff

vs.

FACEBOOK INC
251 LITTLE FALLS DRIVE
WILMINGTON, DE 19808

Defendant

CIVIL ACTION
DOCKET NO. 21C1107
Method of Service:
Personal Service

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 196303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this Summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the Complaint.

ISSUED: 07/01/2021

RICHARD R. ROOKER
Circuit Court Clerk
Davidson County, Tennessee

By: /s/ Taylor Johnson
Deputy Clerk

ADDRESS OF PLAINTIFF'S ATTORNEY OR PLAINTIFF:

M.E. BUCK DOUGHERTY, III
1418 MCCALLIE AVENUE
CHATTANOOGA, TN 37404

NOTICE TO THE DEFENDANT:

Tennessee law provides a Ten Thousand and 00/100 Dollars (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.



To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

MAHONEY, GENEVIEVE A/K/A @GENMAHONEY19

Plaintiff

vs.

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WILMINGTON, DE 19808

Defendant

CIVIL ACTION
DOCKET NO. 21C1107
Method of Service:
Personal ServiceRETURN ON PERSONAL SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 20____, I:

_____ served this Summons and Complaint/Petition on _____ in the following manner:

_____ failed to serve this Summons within 90 days after its issuance because _____

Sheriff/Process Server

To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

Affidavit of Process Server

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE, TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

GENEVIEVE MAHONEY

VS FACEBOOK, INC.

21C1107

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, KEVIN S. DUNN being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service. RECEIVED 07/06/2021

Service: I served FACEBOOK, INC.

NAME OF PERSON / ENTITY BEING SERVED

with (list documents)

SUMMONS; COMPLAINTby leaving with LYNANNE GARES(MANAGING AGENT)

At

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☒ BusinessC/O CORPORATION SERVICE COMPANY, 251 LITTLE FALLS DRIVE, WILMINGTON, DE 19808 (REGISTERED AGENT)

ADDRESS

CITY / STATE

On

07/06/2021

AT

12:30 PM

DATE

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on

DATE

from

CITY

STATE

ZIP

Manner of Service:

☒ CORPORATE☐ Personal: By personally delivering copies to the person being served.☐ Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of _____ and explaining the general nature of the papers.☐ Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.☐ Posting: By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address (es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Canceled by Litigant ☐ Unable to Serve in Timely Fashion☐ Address Does Not Exist ☐ Other _____

Service Attempts: Service was attempted on: (1) _____

DATE

TIME

(2) _____

DATE

TIME

(3) _____

DATE

TIME

(4) _____

DATE

TIME

(5) _____

DATE

TIME

Age 45Sex FEMALERace WHITEHeight 5'5Weight 180HAIR BROWN

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 6TH day of JULY, 2021.

DENORRIS ANGELO BRITT
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires May 1, 2022

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of DELAWARE

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID 240410

STATE OF TENNESSEE
DAVIDSON COUNTY
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ISSUED: 07/01/2021

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To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

**GENEVIEVE MAHONEY,
a/k/a @genmahoney19,
an individual,**

Plaintiff,

v.

FACEBOOK, INC.,
a Delaware corporation,

Defendant.

NO. _____

JURY DEMAND

COMPLAINT

The plaintiff, Genevieve Mahoney, a/k/a by her Instagram handle and username, @genmahoney19 (“Genevieve”), files this lawsuit against the defendant, Facebook, Inc. (“Facebook”), and states as follows:

INTRODUCTION

January 6, 2021

1. In accordance with Public Gathering Permit # 21-0278 that was issued by the United States Department of the Interior-National Park Service ("Permit"), permission was granted to the organization *Women for America First* to hold a First

Amendment “Save America Rally” at the Ellipse in the President’s Park outside the White House (“Ellipse”), on January 6, 2021, in Washington D.C. (“Rally”).¹

2. The Permit further authorized participants at the Rally to leave the Ellipse and attend other rallies at the United States Capitol (“Capitol”) to hear the results of the Congressional Certification of the Electoral College Count being conducted at the Capitol on January 6, 2021 (“Certification Count”).

3. The Rally was organized by *Women for America First* to celebrate the First Amendment rights of American citizens and to demand transparency in government and protect election integrity, in protest of the presidential election held on November 3, 2020, that had just concluded (the “Election”).

4. Numerous allegations of voter fraud in various states across the country were raised in several public forums including on Facebook, as well as in lawsuits filed in courts across the country challenging the results of the Election.

5. The Rally featured a diverse group of speakers and politicians from across the country including then-President Donald J. Trump (“President Trump”).

6. The day after the Election and in order to promote the Rally, *Women for America First* started the “Stop the Steal” Facebook group that went viral. The group grew organically to over 365,000 people in just 22 hours. See <https://wfaf.org/>.

7. *Women for America First* realized a movement was building of Americans across the country concerned about their voices being heard and the

¹ The Permit was amended several times and included the approved date range from January 2, 2021 through January 8, 2021.

foundation of our country as well as election integrity. *Id.* As a result of *Women for America First* promoting the Rally on Facebook, thousands of people across the country traveled to the Ellipse in D.C. on January 6, 2021, to have their voices heard and to peacefully and lawfully protest the Election and Certification Count. *Id.*

8. At some point during the afternoon as set forth herein, a small percentage of protestors at the Rally and Certification Count breached the premises of the Capitol resulting in hundreds of arrests and eventual criminal prosecutions.

Facebook's "Dark Money" Contribution to the Rally

9. The Rule of Law Defense Fund ("RLDF"), an IRS 501 (c)(4) arm of the Republican Attorneys General Association ("RAGA"), and other corporations, helped to organize and stage the Rally at the Ellipse with financial contributions referred to as "dark money." See <https://documented.net/2021/01/republican-attorneys-general-dark-money-group-organized-protest-preceding-capitol-mob-attack/>.

10. Several corporations and social media platforms contributed to RAGA in 2020 with financial donations and contributions that assisted *Women for America First* and RLDF with promoting and staging the Rally, including Facebook's \$50,000 contribution and donation to RAGA that upon information and belief contributed to the staging and presentation of the Rally on January 6, 2021. *Id.*

11. In addition to its \$50,000 "dark money" Facebook contributed to RAGA that helped to stage and present the Rally, a number of protestors used Facebook "groups" and "communities" to organize, communicate, and promote their plans for

the Rally and to organize and coordinate their travel schedules from across the country to D.C. for the Rally and Certification Count.

Genevieve - @genmahoney19

12. Genevieve is a 19-year-old female college freshman residing in Nashville, Davidson County, Tennessee, and she attends Furman University located in Greenville, South Carolina.

13. Genevieve was a frequent user of Instagram, Inc. ("Instagram"), where she interacted, posted and curated photographs to her Instagram account on a regular basis. Facebook is the parent company of Instagram.

14. In reliance upon Facebook and Instagram's policies and recommendations that participants engage in "groups" or "communities" to fully appreciate Facebook and Instagram's social media platform, Genevieve was a regular interactive member of the Instagram group, @fur.meme.

15. The Instagram group @fur.meme was a well-followed group and community comprised of Furman students, Furman faculty and school officials, and Furman alumni. Upon information and belief, @fur.meme was a Furman Instagram account operated by an anonymous currently-enrolled Furman student.

16. Genevieve serves as a Board Member for the Furman Conservative Society, a group that focuses on discussing and advancing the conservative viewpoints and values upon which this nation was founded.

17. Having reached the minimum-required age to lawfully vote, Genevieve had just voted for the first time in the Election as a Tennessee resident. Genevieve voted in the Election by absentee ballot via U.S. mail.

18. The 2020 Election was a milestone event in the country's history particularly for Tennessee women like Genevieve, because it had been 100 years since the passage of the 19th Amendment to the Constitution, which granted women the right to vote in 1920, and Tennessee had been the pivotal and necessary 36th state to approve ratification of the 19th Amendment to the Constitution.

19. Pro-suffrage and anti-suffrage activists from around the state and the country descended on Nashville in the summer of 1920, intent on influencing the Tennessee General Assembly.

20. On August 24, 1920, Governor Albert H. Roberts certified Tennessee's ratification of the 19th Amendment. Then, U. S. Secretary of State Bainbridge Colby issued a proclamation that officially declared the ratification of the 19th Amendment and made it part of the United States Constitution, cementing the right of women to vote and securing Genevieve's right to vote 100 years later in the Election.

21. In the leadup to the 2020 Election, Facebook had launched the largest voting information center in United States' history in an effort to register 4 million people to vote and according to Facebook, to "make their voices heard" and to "hold our leaders accountable." See <https://about.fb.com/news/2020/06/voting-information-center/>.

22. This unprecedented private voter registration drive by Facebook helped to register many Tennessee voters to vote in the 2020 Election, including those Tennessee voters like Genevieve voting absentee ballot via U.S. mail in Davidson County, Tennessee.

23. Facebook co-founder and CEO, Mark Zuckerberg (“Zuckerberg”), and his wife, also donated over \$300 million to two organizations including the Center for Tech and Civic Life (“CTCL”), to “fix elections” including the Election of 2020. See <https://www.msn.com/en-us/news/technology/mark-zuckerbergs-dollar300-million-donation-to-fix-elections-must-overcome-facebooks-past/ar-BB18BjpC>.

24. Zuckerberg’s CTCL contributed money to Davidson County, Tennessee election officials to oversee and assist with the Election of 2020. See <https://docs.google.com/spreadsheets/d/1pE0OTeAbLMBSW7vFg0KB5byV4ygtY-sLAU2w1HnnCjA/edit#gid=287048536>.

25. Further, the Davidson County Election Commission heavily promoted Tennessee voter registration and participation on its Facebook page in the leadup to the Election of 2020. See <https://www.facebook.com/davidsoncountyelections>.

26. After the Election, Genevieve was home from college in Nashville over the Christmas break, and she made the decision to travel to D.C. to attend the Rally and Certification Count in order to exercise her First Amendment rights and to “save our democracy.” Genevieve attended the Rally and Certification Count with various family members.

27. Based on reported information and numerous formal and informal challenges being raised across the county regarding the results of the Election, Genevieve believed that there were voting irregularities in the Election.

28. She also felt it was her duty to peacefully and lawfully exercise her First Amendment advocacy rights as an American citizen, in protest of the Election and Certification Count, that didn't represent her voice and the voices of many other Americans.

Genevieve's Instagram Post of Photo of "Our Capitol"

29. On January 6, 2021, at approximately 2:00 pm Eastern while peacefully walking with various family members from the Rally at the Ellipse to the Capitol as the Permit authorized, Genevieve lawfully exercised her First Amendment right to free speech by posting to her Instagram account a photograph she took of the Capitol in the distance, with the caption "Our Capitol," see actual photograph below.



"Our Capitol"

30. To Genevieve, her post on Instagram of the phrase “Our Capitol” along with her posted photograph of the Capitol in the distance beyond the temporary spectator scaffolding, are symbolic and representative of the statement, “We the People,” that is embodied in the Preamble to the Constitution.

31. Genevieve’s post on Instagram of the photograph of the Capitol was lawful and protected by the First Amendment and not representative of Genevieve engaging in criminal activity nor was it representative of her inciting, encouraging, or promoting criminal activity at the Capitol in violation of a state or federal criminal statute.

32. Further, Genevieve’s “Our Capitol” Instagram posted phrase was lawful and not representative of her engaging in criminal activity nor was it representative of her inciting, encouraging, or promoting criminal activity at the Capitol in violation of a state or federal criminal statute.

33. That afternoon at the Capitol on January 6, 2021, Genevieve did not go onto the premises of the Capitol nor did she enter the Capitol building itself, and she remained positioned well behind the temporary spectator scaffolding as depicted by her vantage point in her “Our Capitol” photograph posted to her Instagram account.

34. Genevieve has never been charged by state or federal law enforcement with violating a state or federal criminal statute for engaging in criminal activity or inciting, encouraging, or promoting criminal activity arising out of her “Our Capitol” photograph she posted to Instagram on January 6, 2021.

35. A few hours after posting her “Our Capitol” photograph to Instagram, the executive leadership of Facebook published to the public including Instagram groups and communities such as the @fur.meme group, a written emergency statement from its Newsroom declaring that those protestors posting photographs at the Capitol were “inciting, encouraging, and promoting criminal activity.”

NATURE OF THE ACTION

36. Genevieve files this action against Facebook for its false, defamatory, and untrue factual statements about protestors inciting, encouraging, and promoting criminal activity by posting photographs to Facebook or Instagram, published from the Facebook Newsroom by its leadership to the public including Instagram groups such as @fur.meme. In addition to filing this lawsuit to vindicate Genevieve’s rights, the lawsuit is protected speech under the First Amendment.

37. Genevieve was part of a very small group or class of two (2) Furman students on the @fur.meme Instagram group, who attended the Rally and posted photographs to their Instagram accounts.

38. Because this group or class of two Furman students on the @fur.meme Instagram group is so small, the defamatory statements about protestors at the Capitol inciting, encouraging, and promoting criminal activity by posting photographs to Facebook or Instagram, are reasonably understood to refer to Genevieve, @genmahoney19.

39. Indeed, other members of the @fur.meme Instagram group recognized that the leadership of Facebook were referring to Genevieve, @genmahoney19

specifically based on various posts published to @fur.meme in response to the published defamatory statements by Facebook.

40. Likewise, the circumstances make it reasonable to conclude that the defamatory statements refer particularly and specifically to Genevieve, @genmahoney19, because other members of the @fur.meme Instagram group recognized that the leadership of Facebook were referring to her.

41. These false and defamatory statements published by Facebook included specific statements that any photographs posted by protestors at the Capitol that day were representative of: “(1) inciting violence at the Capitol;” “(2) encouraging violence at the Capitol,” and “(3) promoting criminal activity at the Capitol.”

42. Facebook is being sued for libel and other causes of action for its own published defamatory speech concerning Genevieve, @genmahoney19, not the speech of third parties, and therefore, Facebook is not immune from liability for its own published defamatory speech.

PARTIES

43. Genevieve is an individual and American citizen who resides in Nashville, Davidson County, Tennessee. At all relevant times, Genevieve’s Instagram handle was @genmahoney19.

44. At all relevant times, Facebook was a Delaware corporation with its principal place of business located at 1601 Willow Road, Menlo Park, California 94025. Facebook is a global social media platform and earned approximately \$86 billion dollars in 2020 through digital advertising. Facebook transacts business in

Tennessee and registered voters on-line in Tennessee so that they could vote in Tennessee in the 2020 Election. These Tennessee voters and subsequent votes in the Election were being tabulated and counted during the Certification Count at the Capitol on January 6, 2021 when Genevieve posted her “Our Capitol” photograph.

45. Facebook owns Instagram, and on December 9, 2020, a few days after the Election, several states including Tennessee led by its Attorney General and Reporter Herbert H. Slattery, III, sued Facebook for various anticompetitive and antitrust behavior including Facebook’s acquisition of Instagram. See complaint, United States District Court for the District of Columbia, Case No. 20-3589. https://ag.ny.gov/sites/default/files/state_of_new_york_et_al._v._facebook_inc._-filed_public_complaint_12.11.2020.pdf.

JURISDICTION & VENUE

46. This court has jurisdiction over the causes of action contained herein pursuant to Tenn. Code Ann. §16-10-101.

47. This court has personal jurisdiction over the parties, as Genevieve is a citizen and resident of Davidson County, Tennessee at all relevant times.

48. This court has personal jurisdiction over Facebook, as it transacts business in Tennessee; registered voters in Tennessee to vote in the Election; provided its social media platform for people across the country including Tennessee residents to plan, organize, and coordinate their trip to D.C. for the Rally and Certification Count; promoted the Rally by *Women for America First* on its platform that was attended by Tennessee residents; engaged in

anticompetitive and antitrust behavior that harmed Tennessee residents regarding Facebook's acquisition of Instagram as alleged in the lawsuit referenced above, for which the Tennessee Attorney General and other state attorneys general have filed a civil lawsuit; and defamed Genevieve's reputation by publishing false and defamatory statements about her.

49. Venue is proper in this court pursuant to Tenn. Code Ann. §20-4-101, because the causes of action contained herein arose within Davidson County, Tennessee, or the defamatory statements were broadcast, published, and/or disseminated to Tennessee residents in Davidson County, Tennessee.

FACTS

Breach of the Capitol

50. Some protestors other than Genevieve did allegedly commit crimes by breaching the Capitol and engaging in criminal activity on January 6, 2021. The U.S. Attorney's Office for the District of Columbia is prosecuting those cases of protestors charged with engaging in criminal activity including inciting, encouraging, or promoting criminal activity arising out of the Capitol Breach, and a list of those cases may be found at <https://www.justice.gov/usao-dc/capitol-breach-cases>.

51. As verified by the charges and prosecutions of other protestors, Genevieve is not one of the protestors charged with the Capitol Breach or for engaging in criminal activity or inciting, encouraging, or promoting criminal activity by her "Our Capitol" Instagram post. *See id.*

52. As set forth in the United States Criminal Code:

As used in this chapter, the term “to incite a riot”, or “to organize, promote, encourage, participate in, or carry on a riot”, includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

18 U.S.C. §2102(b).

53. Genevieve never in her wildest dreams imagined how something so uniquely American as free speech and the right to peacefully and lawfully assemble in accordance with the First Amendment would turn into an event marred by violence and unlawful behavior by some protestors in breaching the Capitol.

54. Genevieve attended the Rally and Certification Count because she felt it was her civic obligation to demonstrate to members of Congress that there were many Americans who felt misrepresented.

55. Genevieve further felt her lawful presence and advocacy at the Rally and Capitol to peacefully protest the Election was important as representative of the great number of citizens who felt wronged and overlooked by the reported voting irregularities of the Election.

56. Genevieve was incredibly saddened by the violent and unlawful events that took place that day. Those people that engaged in actual criminal activity or the incitement, encouragement, or promotion of criminal activity had nothing to do with her cause or the reason she was lawfully and peacefully assembling at the Rally and later at the Capitol in protest of the Election.

57. Genevieve loves her country and everything it stands for, and she wanted to remind Congressional representatives by her lawful and peaceful presence at the Rally and Capitol to keep their promise and covenant to represent the people faithfully, because those members of Congress received their powers from the American citizens in accordance with the Constitution.

58. Genevieve supports the founding principles and ideals of this country embodied and enshrined in the Constitution, namely that our elected representatives derive their legitimacy from the people, as opposed to the unconstitutional idea that members of Congress benevolently bestow rights and privileges upon the people.

***Facebook's Defamatory Emergency News Statement
in Response to Genevieve's "Our Capitol" Post***

59. A few hours after Genevieve's lawful "Our Capitol" post on Instagram at 2:00 pm Eastern that was protected by the First Amendment, at approximately 7:00 pm Eastern on January 6, 2021, authorized representatives and leadership of Instagram's parent company Facebook, Guy Rosen ("Rosen"), Vice President of Integrity, and Monika Bickert ("Bickert"), Vice President of Global Policy Management, published from Facebook's Newsroom an emergency written news statement on behalf of Facebook.

60. This written emergency news statement was entitled "Our Response To The Violence in Washington" (the "Emergency News Statement") and was published by Facebook's Newsroom to the public and groups and communities including the @fur.meme Instagram group. See <https://about.fb.com/news/2021/01/responding-to-the-violence-in-washington-dc/> (last visited on June 2, 2021).

61. The Emergency News Statement stated in relevant part as follows:

Let us speak for the leadership team in saying what so many of us are feeling. We are appalled by the violence at the Capitol today. We are treating these events as an emergency. Our Elections Operations Center has already been active in anticipation of the Georgia elections and the vote by Congress to certify the election, and we are monitoring activity on our platform in real time. For those of you who are wondering, here are the actions we're taking:

First, we have been searching for and removing the following content:

- Praise and support of the storming of the Capitol.
- Calls to bring weapons to locations across the US — not just in Washington but anywhere in the US — including protests.
- ***Incitement or encouragement of the events at the Capitol, including videos and photos from the protestors. At this point they represent promotion of criminal activity*** which violates our policies.
- Calls for protests — even peaceful ones — if they violate the curfew in DC.
- Attempts to restage violence tomorrow or in the coming days.

See <https://about.fb.com/news/2021/01/responding-to-the-violence-in-washington-dc/>

(emphasis added).

62. The Emergency News Statement further stated in relevant part as follows:

We've had emergency measures in place since before the US elections like not recommending civic groups for people to join. We're keeping them in place. Today we're implementing several additional ones as well, including:

- Increasing the requirement of Group admins to review and approve posts before they can go up.
- Automatically disabling comments on posts in Groups that start to have a high rate of hate speech or content that incites violence, and
- Using AI to demote content that likely violates our policies.

We're continuing to monitor the situation and will take additional measures if necessary to keep people safe.

Id. Shortly after the Emergency News Statement was published, the Furman Conservative Society asked Genevieve to delete her "Our Capitol" photograph, because it feared for Genevieve's safety and well-being as well as the club's image. However, Genevieve's Instagram account was disabled and deleted just a few days later on January 12. This is usually the result of people in groups and communities reporting Genevieve's account to Instagram and Facebook.

***Facebook's Defamatory Emergency News Statement
was of and concerning Genevieve***

A. *Genevieve's Instagram Group and Community - @fur.meme*

63. Genevieve's professors at Furman had encouraged Genevieve to network with Furman alumni in order to establish and strengthen her connection with the Furman family, including joining Furman-related social media sites and platforms such as Instagram.

64. These professors advised Genevieve this networking with Furman alumni would be very beneficial to her future employment prospects and increased economic status when she sought future employment after graduating from Furman.

65. Indeed, Furman's alumni association website touts the significance and importance of the global Furman family and alumni, and the website states as follows:

No matter where you are in life, you'll always be a part of the Furman family. Strengthen your connection to our passionate community and discover how our alumni and friends support one another. Network with leaders in your field. Connect with your classmates at homecoming. And volunteer for causes that support the next generation of Paladins. By being an active part of the Furman family, you're not simply giving—you're reconnecting with your biggest supporters.

See <https://www.furman.edu/alumni/connect/alumni-association/> (last visited June 2, 2021).

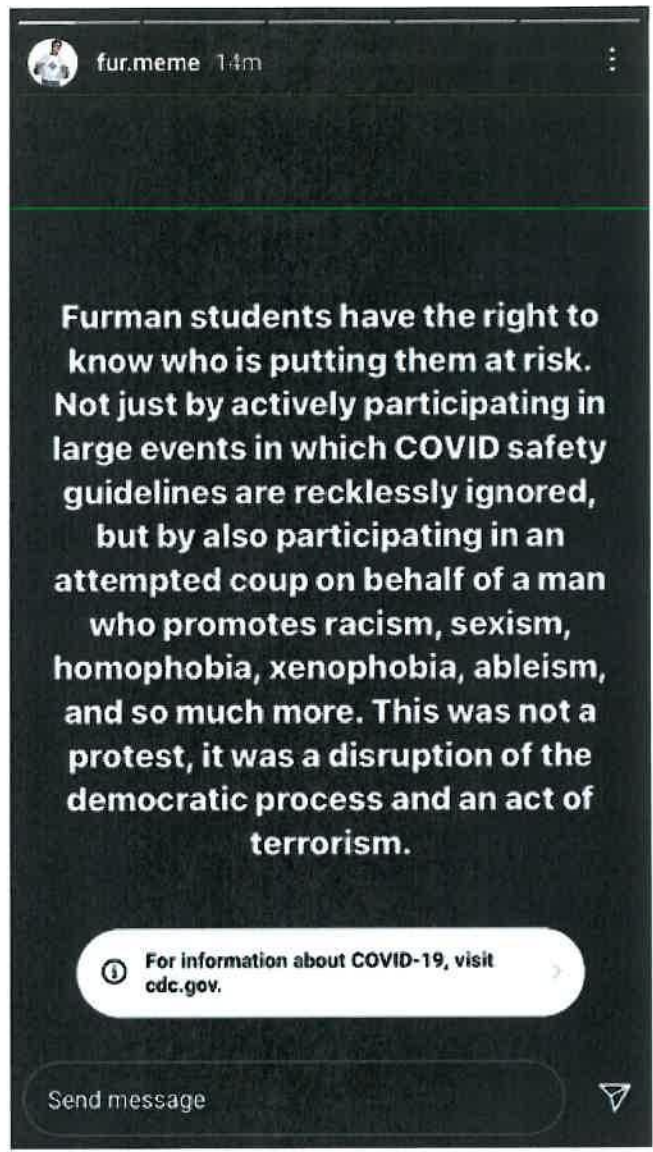
66. Furman University is a private institution that boasts 33,000 alumni and friends through its alumni association. See <https://www.furman.edu/career-services/career-services/alumni/> (last visited June 2, 2021).

67. A few hours after Genevieve's "Our Capitol" photograph and post on Instagram, followed by Facebook's published Emergency News Statement, @fur.meme posted a series of posts recognizing the Emergency News Statement was referring to Genevieve and her "Our Capitol" photograph allegedly "inciting, encouraging, or promoting criminal activity at the Capitol."

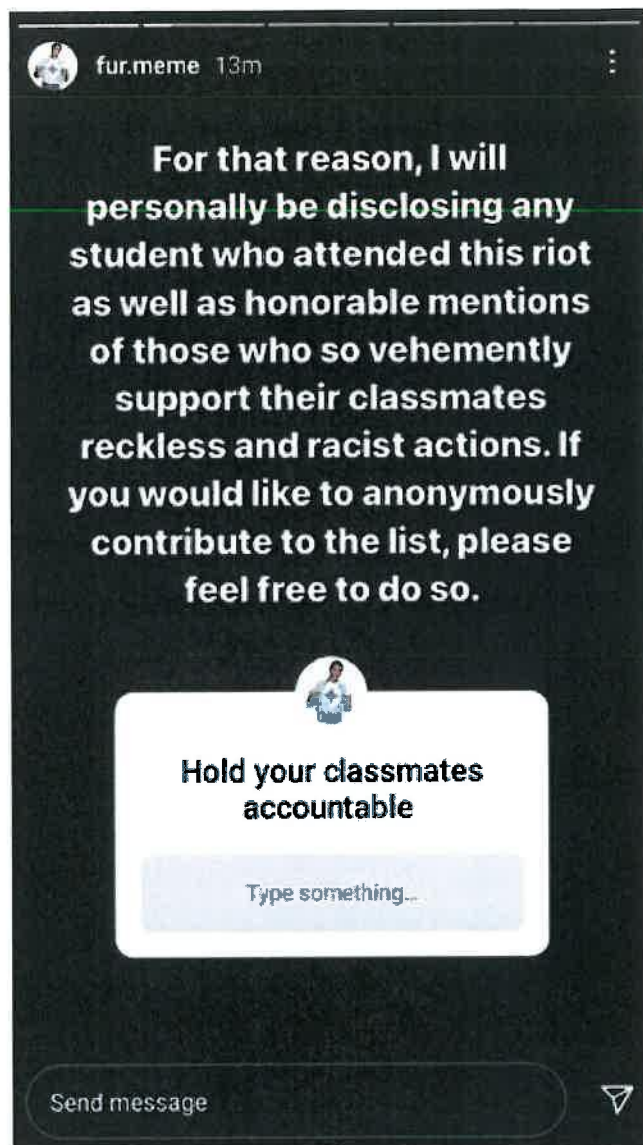
B. *@fur.meme recognized the Emergency News Statement referred to Genevieve*

68. @fur.meme made the following series of posts on Instagram evidencing the Emergency News Statement referred to Genevieve, and it has severely damaged Genevieve's reputation within the Furman community:

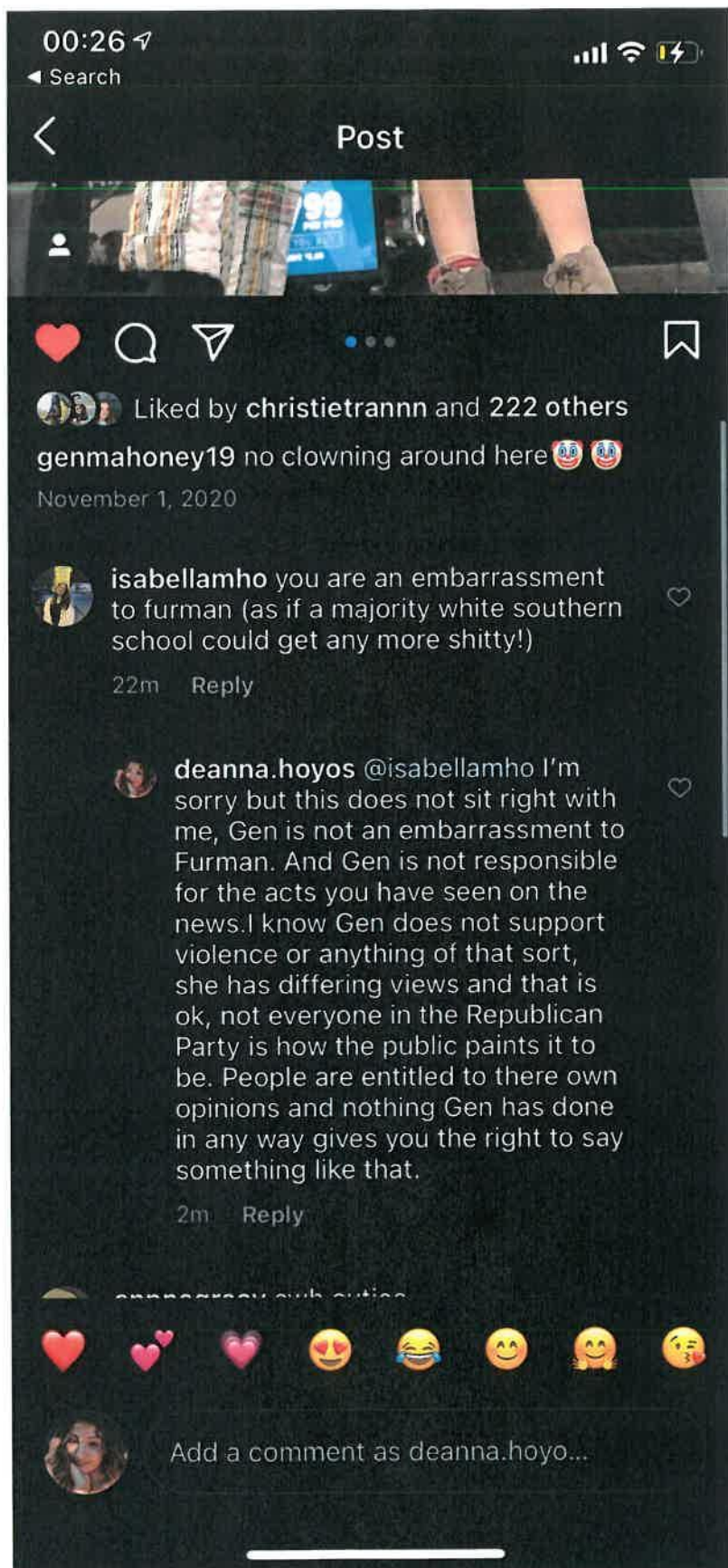


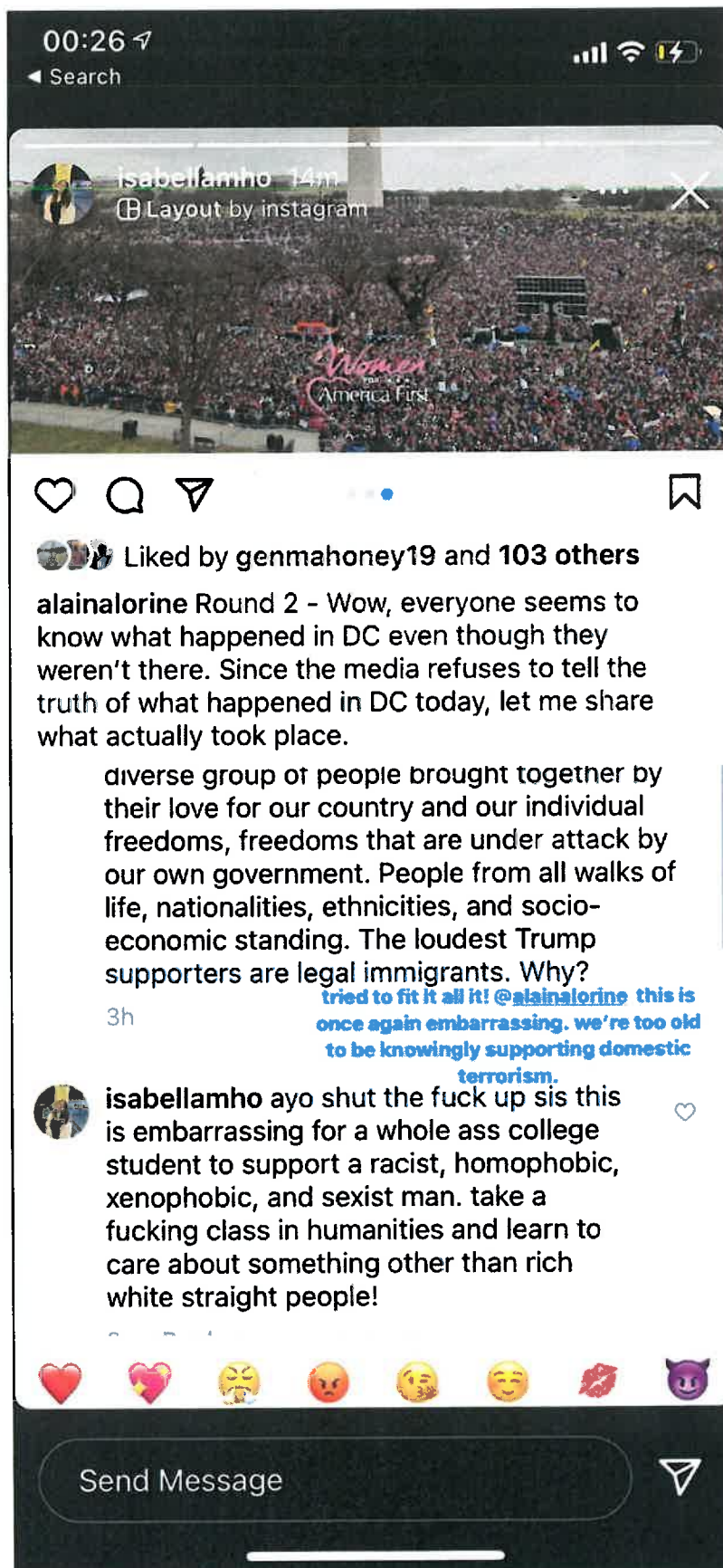




















69. Shortly after Genevieve returned to campus at Furman after the Rally, a school newspaper chronicled the fallout from the @fur.meme account that recognized Genevieve and another Furman student attended the Rally and posted to their social media accounts, including such posts as Genevieve's "Our Capitol" photograph. The article described the intense political atmosphere on campus with Furman's President and faculty members and officials weighing in on the Rally and @fur.meme. See <https://www.thepaladin.news/articles/administrations-responds-to-political-polarization-on-campus-following-jan-6-protest>.

70. As a result of the Emergency News Statement, Genevieve's reputation has been severely damaged within the Furman community including her reputation with fellow Furman students, Furman faculty members and school officials, and Furman alumni. Genevieve has suffered economic damages as to her future economic status and reputational harm damages in being falsely linked to those that actually committed crimes on January 6, 2021, a date that President Biden in his address to Congress called "the worst attack on our democracy since the Civil War."

***Facebook tried to downplay its role in the
Breach of the Capitol***

71. A few days after the Breach of the Capitol, Facebook attempted to downplay its role in facilitating the Breach of the Capitol and the coordination of some of those charged with crimes through the use of Facebook's social media platform. See <https://www.forbes.com/sites/thomasbrewster/2021/02/07/sheryl-sandberg-downplayed-facebooks-role-in-the-capitol-hill-siege-justice-department-files-tell-a-very-different-story/?sh=c9a436c10b32>.

72. Indeed, Sheryl Sandberg (“Sandberg”), Facebook chief operating officer, tried to publicly deflect criticism away from Facebook and Instagram and onto other social media sites and platforms for the root cause of the Breach of the Capitol. *Id.*

73. However, several reports indicated that the Capitol Breach was openly pre-planned on various social media sites including Facebook in the days leading up to January 6, 2021, and that new Facebook “groups” and “communities” had surfaced just before the Capitol Breach to assist in organizing and carrying out the Breach of the Capitol. See <https://www.foxnews.com/politics/how-wednesdays-capitol-riot-come-to-fruit>.

74. Five days after the Rally on or about January 11, 2021, Facebook issued a public statement through its spokesperson Andy Stone (“Stone”) that it was pausing all of its PAC financial contributions and political donations, which would include its donation that partially financed the Rally, while Facebook reviewed its policies. See <https://www.msn.com/en-us/news/politics/facebook-pausing-political-donations-in-wake-of-capitol-rampage/ar-BB1cEUbT>.

75. Based on an internal report, Facebook knew that it contributed to the Capitol Breach and facilitated the actions of individuals in carrying out the crimes for which they were charged, and that Facebook’s platform assisted those in coordinating and carrying out their criminal activities related to the Breach of the Capitol. See <https://www.buzzfeednews.com/article/craigsilverman/facebook-failed-stop-the-steal-insurrection>.

Facebook knew the Emergency News Statement was false

76. The specific language Facebook leadership used in the publication of the Emergency News Statement was calculated to severely damage the reputation of the protestors, including the reputations of those lawful protestors such as Genevieve.

77. The precise and artful use of the words “inciting, encouraging, or promoting criminal activity” and “violence” as used by Bickert and Rosen in the Emergency News Statement were verbatim from 18 U.S.C. §§2101-2102. They were deliberately calculated to label all protestors as criminals even though the vast majority of protestors like Genevieve did not commit crimes and were never charged with a crime.

78. Bickert, one of the authors of the Emergency News Statement on behalf of Facebook, is a Harvard-trained lawyer and former federal prosecutor, and she is well versed in the specific and artful language used in federal criminal statutes. See <https://www.vanityfair.com/news/2019/02/men-are-scum-inside-facebook-war-on-hate-speech>.

79. Bickert knew that by using the words “inciting, encouraging, or promoting criminal activity” and “violence” she and Rosen used in the Emergency News Statement on behalf of Facebook, all of the protesters would be labeled as criminals even those such as Genevieve who did not incite, encourage, or promote criminal activity or violence by her “Our Capitol” post.

80. With her legal background and acumen, Bickert further knew that when she and Rosen published the Emergency News Statement on behalf of Facebook, all

of the protesters posting photographs including Genevieve's "Our Capitol post, were not inciting, encouraging, or promoting criminal activity or violence.

81. As indicated in a recent article describing the innerworkings of Facebook, "when it comes to figuring out how Facebook actually works—how it decides what content is allowed, and what isn't—the most important person in the company isn't Mark Zuckerberg, it's Monika Bickert." *Id.*

82. Bickert is unapologetic about Facebook maintaining its prominence in the world as an \$86 billion global social media platform. As she indicated in response to a reporter's citation of Facebook's stated mission to make the world a "more open and connected place," Bickert literally rolled her eyes. "It's a company. It's a business," Bickert said. *Id.*

83. Facebook executives and leadership were also in communication with federal law enforcement during the Breach of the Capitol and knew that not all of the protesters like Genevieve were inciting, encouraging, or promoting criminal activity or violence.

COUNT I-DEFAMATION (LIBEL)
(Facebook)

84. The allegations of the preceding paragraphs (1-83) are incorporated herein by reference as if fully restated.

85. Facebook disseminated and published the Emergency News Statement from its Newsroom about Genevieve and her "Our Capitol" post and others posting photographs, which were false, untrue, and misleading to the public and Genevieve's Instagram group @furm.meme.

86. Facebook knew the Emergency News Statement was false and defamatory as to those that lawfully posted photographs including Genevieve's "Our Capitol" photograph. The Emergency News Statement contained false factual statements and the words and context used were not opinion or hyperbole.

87. Facebook purposely published the Emergency News Statement to deflect criminal liability and criminal suspicion away from Facebook and onto others such as Genevieve, who had not facilitated, incited, encouraged, or promoted criminal activity or violence.

88. Facebook has immunity under 42 U.S.C. § 230 for publications of third parties on its platform such as Genevieve's "Our Capitol" photograph, yet it purposely chose to publish the false Emergency News Statement with actual malice to harm other individuals such as Genevieve, in order to protect itself from being subject to criminal investigation and prosecution and liability as a result of Facebook's role in facilitating the Breach of the Capitol, because some protesters that committed crimes used Facebook's platform to organize and plan their criminal activity on January 6, 2021.

89. Facebook knew by its false and misleading publication of the Emergency News Statement that Genevieve's character and reputation, both personally, and professionally, among the @fur.meme Instagram group, would be severely damaged.

90. Facebook published the Emergency News Statement with actual malice, reckless disregard for the truth or falsity of the defamatory statements, and/or with negligence in failing to ascertain the truth or falsity of the defamatory statements,

by verifying with police and law enforcement whom it was in communication with, regarding the ongoing nature of the Breach of the Capitol and whether any protestors had been arrested or charged with inciting, promoting or encouraging criminal activity or violence.

91. Facebook's Emergency News Statement gave on-line subscribers such as members of @fur.meme the false impression that Genevieve had committed a crime by posting her "Our Capitol" photograph to Instagram.

92. As a result of Facebook's publication of the Emergency News Statement, Genevieve has been exposed to public scorn, hatred, contempt, humiliation, or ridicule, thereby discouraging others in the Furman community of having a good opinion of Genevieve or associating with her.

93. Facebook published the Emergency News Statement with actual malice by making a calculated and deliberate decision not to pressure-test Bickert and Rosen's release and publication of the Emergency News Statement in order to publish a biased, preconceived narrative about *all of the protestors* that supported President Trump, despite serious doubts that the posting of a photograph while at the Capitol was representative of inciting or promoting criminal activity or violence.

94. Facebook published the Emergency News Statement with actual malice by making a calculated decision to hide from public view that Facebook had facilitated crimes of some protestors charged with crimes related to the Breach of the Capitol, by allowing those individuals to use the Facebook platform to plan and organize the Breach of the Capitol.

95. Facebook published the Emergency News Statement with actual malice by repeatedly lying in an effort to bolster the credibility of their false story about the Rally and Certification Count, and it knew that some protestors such as Genevieve were lawfully protesting at the Capitol.

96. Facebook published the Emergency News Statement with actual malice because it had serious doubts that posting a photograph on Facebook or Instagram was representative of inciting or promoting criminal activity or violence, and Facebook had a high degree of awareness the claims in the Emergency News Statement on behalf of Facebook were probably false, and therefore Facebook was required to investigate the veracity of such claims before publishing them.

97. Facebook published the Emergency News Statement from its Newsroom with actual malice because it purposely avoided the truth, and purposely avoiding interviewing sources and following fundamental reporting practices intentionally in order to avoid the truth.

COUNT II-DEFAMATION (LIBEL BY IMPLICATION)
(Facebook)

98. The allegations of the preceding paragraphs (1-97) are incorporated herein by reference as if fully restated.

99. The Emergency News Statement is false and untrue and it leaves the false impression that Genevieve's post of her "Our Capitol" photograph is representative of inciting, encouraging, or promoting criminal activity or violence.

100. The Emergency News Statement is provably false as it relates to Genevieve because Genevieve has not been charged with inciting, encouraging, or promoting criminal activity by state or federal authorities related to her post on Instagram of her “Our Capitol” photograph, and 18 U.S.C. §§ 2101-2102, United States Supreme Court precedent, and state and federal law expressly authorize her lawful post of the “Our Capitol” photograph on Instagram.

COUNT III-DEFAMATION
(FALSE LIGHT INVASION OF PRIVACY)
(Facebook)

101. The allegations of the preceding paragraphs (1-100) are incorporated herein by reference as if fully restated.

102. By publishing the defamatory statements, Facebook gave publicity to an alleged or implied crime or illegal behavior by Genevieve that was false and untrue and placed her in a negative false light before the public, @fur.meme, and the Furman community and was an invasion of Genevieve’s privacy.

103. The false light in which Genevieve was placed as a result of the published defamatory statements in the Emergency News Statement on behalf of Facebook, was highly offensive to a reasonable person.

104. Facebook had knowledge of or acted in reckless disregard as to the truth or falsity of the published defamatory statements in the Emergency News Statement and the false light in which Genevieve and other lawful protestors would be placed.

105. As a result of being placed in a negative false light before the public and the Furman community, Genevieve’s privacy has been invaded and her character and

reputation have been severely damaged, and she has suffered, and will continue to suffer, economic and non-economic damages as a result.

COUNT IV-NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS
(Facebook)

106. The allegations of the preceding paragraphs (1-105) are incorporated herein by reference as if fully restated.

107. Facebook owed a duty to Genevieve to report fairly and accurately from its Newsroom of any illegal or unlawful behavior regarding protestors at the Rally and Certification Count posting photographs to Instagram.

108. Facebook breached that duty it owed to Genevieve by publishing the defamatory statements and omitting or not fairly and accurately reporting on lawful behavior by protestors including Genevieve posting her "Our Capitol" photograph on Instagram.

109. As the proximate cause of the defamatory statements being published, Genevieve has sustained serious emotional stress, melancholy, and fatigue, for which she has received treatment.

JURY DEMANDED

110. The allegations of the preceding paragraphs (1-109) are incorporated herein by reference as if fully restated.

111. Genevieve demands a trial by jury on all counts herein.

PRAYER FOR RELIEF

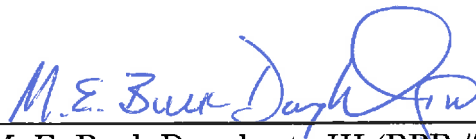
WHEREFORE, Genevieve respectfully prays for the following relief:

- A. That civil service of process issue against Facebook and that it be required to file an answer in accordance with the Tennessee Rules of Civil Procedure;
- B. That a jury of twelve persons be empaneled to try the issues on all counts as set forth herein;
- C. That she be awarded a judgment and compensatory damages against Facebook on all counts herein in an amount to be proven at a jury trial but not less than \$56,000,000.00;
- D. That she be awarded a judgment and punitive damages against Facebook on all counts herein in an amount to be proven at a jury trial but not less than \$112,000,000.00, for a total combined amount in compensatory and punitive damages of \$168,000,000.00;
- E. That Facebook be required to retract any and all publications of defamatory statements including the Emergency News Statement and negative and false depictions and statements about Genevieve and other protestors not charged with crimes on January 6, 2021; and
- F. That this Court award her any further relief to which she may be entitled.

Respectfully Submitted,

Date: July 1, 2021

**DUNCAN, HATCHER,
HOLLAND & FLEENOR, P.C.**



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